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60.427-371
2001P08244US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Daly, Paul D.
Serial No.: 10/092,076
Filed: 03/06/2002
Group Art Unit: 2644
Examiner: Pendleton, Brian T.
For: ACTIVE NOISE CANCELLATION FOR A VEHICLE
INDUCTION SYSTEM HAVING SELECTABLE ENGINE
NOISE PROFILE

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Office Action mailed on August 26, 2005.
Applicant respectfully requests reconsideration of this application.

Applicant respectfully submits that there is no anticipation of any of Applicant's claims. The *Fuesser, et al.* reference cannot be reasonably interpreted as suggested by the Examiner. An individual only adjusts the position of an accelerator pedal or a gear to drive the vehicle according to current traffic conditions, for example. Those types of selections are not reasonably interpreted as a selection of an engine noise profile. For example, if an individual is driving a vehicle through a 40 mph zone at 40 mph, and they desire to hear a different engine sound, it would not be practical or safe to press on the accelerator pedal just for the sake of hearing a different engine noise. That would

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potentially result in a traffic accident or a speeding ticket, for example. It is simply not a reasonable interpretation of the reference to consider the accelerator pedal position or gear selection as providing the type of signal suggested by the Examiner. There is no anticipation.

Respectfully submitted,

CARLSON, GASKEY & OLDS



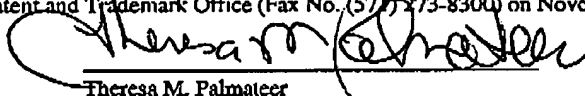
By: _____

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Dated: November 28, 2005

CERTIFICATE OF FACSIMILE

I hereby certify that this Request for Reconsideration, relative to Application Serial No. 10/092,076 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on November 28, 2005.



Theresa M. Palmateer

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